



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,500

08/22/2003

Gerold Herold

32860-000610/US

8715

30596

7590

09/08/2009

HARNESS, DICKEY & PIERCE, P.L.C.

P.O.BOX 8910

RESTON, VA 20195

EXAMINER

LOVEL, KIMBERLY M

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

09/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/645,500	Applicant(s) HEROLD ET AL.	
	Examiner KIMBERLY LOVEL	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4,6-9,11,13-16,18,19,21,23-26,28 and 29.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/John R. Cottingham/
 Supervisory Patent Examiner, Art Unit 2167

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 20 August 2009 have been fully considered but they are not persuasive. In the interview on 12 August 2009, the examiner stated that the amendment appeared to overcome the rejection and would require a thorough review of the applied prior art. However, after a thorough review of previously presented dependent claims which have each been incorporated into their respective independent claim, the examiner considers the prior art of record to teach the claimed limitations.

The Applicant has amended the independent claims to include the limitation of "transfer data belonging to the data objects from the second electronic data processing device to the first processing device; and wherein data objects with user-edited data, transferred to the first electronic processing device via the interconnected interfaces, are stored in the data store." The Applicant argues that the combination of Bocionek and Filteau fails to teach the concept of storing the data objects in the first data store after the data objects have been updated. The examiner respectfully disagrees. Bocionek teaches the limitation as follows: transfer data belonging to the data objects from the second electronic data processing device to the first electronic data processing device and wherein data objects with user-edited data, transferred to the first electronic data processing device via the interconnected interfaces, are stored in the data store [the configuration manager 175 allows a site administrator, a reporting physician, and/or another authorized operator of the medical report generator 100 that desires to add a common diagnostic finding to easily accomplish the task; the report editor 170 may be configured to provide a text editor 178 operable with the user interface 110 to permit an operator of the medical report generator 100 to complete any necessary modifications; the preferred medical report generator 100 provides a text-editor to enable a reporting physician to add notes or other information to a report] (see [0039]; [0045]; [0050]; and [0092]). Bocionek allows the user to add diagnosis information during report generation. This updated information is then stored in database 105. The data is stored over a network and therefore is stored independent of the location of the database.

Therefore, the rejections of the claims as being unpatentable over Bocionek in view of Filteau are maintained.

The amendment to the claims has been entered and the claims are rejected as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-9, 11, 13-16, 18, 19, 21, 23-26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2002/0087359 to Bocionek (hereafter Bocionek) in view of US PGPub 2002/0188896 to Filteau et al (hereafter Filteau).

Referring to claim 1, Bocionek discloses a data processing system for processing medically relevant data objects including at least one of image data and metadata (see abstract), comprising:
a first electronic data processing device [operator consoles 5-8] for viewing and editing the data objects (see [0021], lines 7-11), the first electronic data processing device including,
a data store for storing the data objects [medical images and patient data are stored locally within the workstations] (see [0021], lines 7-11), and
a first interface for outputting data objects (see [0025]); and
a second electronic data processing device for presenting and altering data from data objects [workstation 11] (see [0023]), the second electronic data processing device including,
a second interface for receiving the data objects [communication network 9] (see [0023], lines 1-4),
wherein
the first electronic data processing device uses firmly prescribed data formats [DICOM], to store, view and edit data objects (see [0021] and [0025]), and
the interfaces of the first and second electronic processing devices are connected to one another for transfer of data objects from the first electronic data processing device to the second data processing device (see [0022], lines 1-3; [0023], lines 1-4; and [0025]).

However, while Bocionek discloses a first processing device and a second processing device, wherein the devices are connected to each other and to a central image storage and image archiving system via a communication network, Bocionek fails to explicitly disclose the further limitations of the second electronic data processing device presenting and altering data from data objects in reports using report masks, wherein the second electronic data processing device has a mask memory for storing the report masks and uses report masks generated and altered locally by the user of the second data processing device to present and alter objects in a report context and the transfer of the data objects with user-edited data back to the first device for storage in the data store. Filteau discloses creating formatted reports [medical diagnostic report 800] containing extracts from the database [data storage device 105] (see [0039]) including the further limitations of a second electronic data processing device for presenting and altering data from data objects in medically relevant reports using report masks (see [0037]-[0039]; Fig 1; and Fig 2), the second electronic data processing device including a mask memory for storing the report masks [the data storage device 105 may contain a plurality of records identifying one or more local reporting templates or profiles that may be selected by a reporting physician in order to tailor the format of the report] (see [0041], lines 4-8), a second interface for receiving the data objects [report input interface 15] (see [0037]) and the second electronic data processing device uses report masks, that are generated and locally altered [report editor 170] locally by the user of the second electronic data processing device to present and alter objects in a report context [permit an operator of the medical report generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]), transfer data belonging to the data objects from

the second electronic data processing device to the first electronic data processing device and wherein data objects with user-edited data, transferred to the first electronic data processing device via the interconnected interfaces, are store in the data store [the configuration manager 175 allows a site administrator, a reporting physician, and/or another authorized operator of the medical report generator 100 that desires to add a common diagnostic finding to easily accomplish the task; the report editor 170 may be configured to provide a text editor 178 operable with the user interface 110 to permit an operator of the medical report generator 100 to complete any necessary modifications; the preferred medical report generator 100 provides a text-editor to enable a reporting physician to add notes or other information to a report] (see [0039]; [0045]; [0050]; and [0092]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present and update the data stored in the database disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact and to also allow technicians to efficiently provide a diagnosis for images of patients (Filteau: see [0002]).

Referring to claim 2, the combination of Bocionek and Filteau (hereafter Bocionek/Filteau) discloses the data processing system as claimed in claim 1, wherein the second electronic data processing device stores report masks, the report masks being at least one of generated and altered by the user [local reporting templates or profiles], in the mask memory (Filteau: see [0041]).

Referring to claim 3, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein the second electronic data processing device uses report masks, the report masks being generated and altered by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 4, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein at least one of the interfaces includes the data switching device [renderer 140], the data switching device having access to an association memory containing information about an association between data object types and report masks, and wherein the data switching device is adapted to ascertain the type of a data object transferred via the interface, compare the ascertained type with the content of the association memory and associate a report mask with the data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 6, Bocionek/Filteau discloses the data processing system as claimed in claim 4, wherein content of user-edited data is checked by the data switching device, and the checked data are stored by the first electronic data processing device only on the basis of the result of the check (Filteau: see [0039] and [0053]).

Referring to claim 7, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein the first electronic data processing device is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents the data objects for later reconstruction (Bocionek: see [0021] and [0025]; Filteau: see [0048]).

Referring to claim 8, Bocionek discloses a distributed method for processing medically relevant data objects, the data objects including at least one of image data and metadata (see abstract), with a first component [operator consoles 5-8] for at least one of viewing, editing and storing the data objects (see [0021], lines 7-11) and with a second component [workstation 11] for presenting data from the data objects (see [0023]), the method comprising:

using prescribed data formats [DICOM] in the first component to at least one of store, view and edit the data objects (see [0021] and [0025]), wherein the data objects are transferred from the first component to the second component (see [0022], lines 1-3; [0023], lines 1-4; and [0025]).

However, while Bocionek discloses a first processing device and a second processing device, wherein the devices are connected to each other and to a central image storage and image archiving system via a communication network, Bocionek fails to explicitly disclose the further limitations of using report masks in the second component, the report masks being generated and locally altered by a user of the second component to present and alter data objects in a report context, the user of the second component uses the report masks to edit data from transferred data objects and the transfer of the data objects with user-edited data back to the first device for storage in the data store. Filteau discloses creating formatted reports [medical diagnostic report 800] containing extracts from the database [data storage device 105] (see [0039]) including the further limitations of using report masks in the second component, the report masks are generated and locally altered [report editor 170] by the user of the second component to present and alter objects in a report context [permit an operator of the medical report generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]), wherein the second component uses the report masks to edit data from the transferred data objects (see [0039], lines 12-14; [0050]; and [0055]), wherein data belonging to the data objects is transferred from the second component to the first component and the first component stores data objects with user-edited data transferred to the first component in a data store [the configuration manager 175 allows a site administrator, a reporting physician, and/or another authorized operator of the medical report generator 100 that desires to add a common diagnostic finding to easily accomplish the task; the report editor 170 may be configured to provide a text editor 178 operable with the user interface 110 to permit an operator of the medical report generator 100 to complete any necessary modifications; the preferred medical report generator 100 provides a text-editor to enable a reporting physician to add notes or other information to a report] (see [0039]; [0045]; [0050]; and [0092]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present and update the data stored in the database disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact and to also allow technicians to efficiently provide a diagnosis for images of patients (Filteau: see [0002]).

Referring to claim 9, Bocionek/Filteau teaches the distributed method as claimed in claim 8, wherein the second data processing device stores report masks, the report masks being at least one of generated and altered by the user [local reporting templates or profiles] (Filteau: see [0041]).

Referring to claim 11, Bocionek/Filteau discloses the distributed

method as claimed in claim 8, wherein a data switching component

[renderer 140] is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Filteau: see [0039] and [0053]).

Referring to claim 13, Bocionek/Filteau discloses the distributed method as claimed in claim 8, wherein content of user-edited data belonging to data objects is checked, and the user-edited data are stored by the first component only on the basis of the result of this check (Filteau: see [0039] and [0053]).

Referring to claim 14, Bocionek/Filteau discloses teaches the distributed method as claimed in claim 8, wherein the first component authenticates all access operations to data objects by users in a manner which the user cannot alter and documents the data objects so that the data objects can be subsequently reconstructed (Bocionek: see [0021] and [0025]; Filteau: see [0048]).

Referring to claim 15, Bocionek/Filteau discloses the data processing system as claimed in claim 2, wherein the second data processing device uses report masks, the report masks being generated and altered by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 16, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein at least one of the interfaces includes data switching means [renderer 140], having access to an association memory containing information about an association between data object types and report masks, for ascertaining the type of a data object transferred via the interface, for comparing the ascertained type with the content of the association memory and for associating a report mask with the data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 18, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein content of user-edited data is checked, and the checked data are stored by the first data processing device only on the basis of the result of the check (Filteau: see [0039] and [0053]).

Referring to claim 19, Bocionek/Filteau discloses the distributed method of claim 8, wherein the second component is used to present data from the data objects in medically relevant reports using the report masks (Filteau: see [0039]; [0041]; and [0043]).

Referring to claim 21, Bocionek/Filteau teaches the distributed method as claimed in claim 9, wherein a data switching component [renderer 140] is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Filteau: see [0039] and [0053]).

Referring to claim 23, Bocionek discloses a data processing system for processing medically relevant data objects including at least one of image data and metadata (see abstract), the data processing system comprising:

a first electronic data processing means [operator consoles 5-8] for viewing and editing the data objects (see [0021], lines 7-11), the first electronic data processing device including,

storage means for storing the data objects [medical images and patient data are stored locally within the workstations] (see [0021], lines 7-11), and

first interfacing means for outputting data objects (see [0025]); and

second electronic data processing means for presenting and altering data from objects [workstation 11] (see [0023]), the second electronic data processing device including,

second interfacing means for receiving the data objects [communication network 9] (see [0023], lines 1-4),

wherein

the first electronic data processing means uses firmly prescribed data formats [DICOM], unalterable by a user, to store, view and edit data objects (see [0021] and [0025]), and

the interfacing means of the first and second processing means are connectable to one another for transfer of data objects from the first data processing means to the second data processing means (see [0022], lines 1-3; [0023], lines 1-4; and [0025]).

However, while Bocionek discloses a first processing device and a second processing device, wherein the devices are connected to each other and to a central image storage and image archiving system via a communication network, Bocionek fails to explicitly disclose the further limitations of the second data processing means for presenting and altering data from data objects in reports using report masks, wherein the second data processing means has a mask memory for storing the report masks and uses report masks generated and altered locally by the user of the second data processing means to present and alter objects in a report context and the transfer of the data objects with user-edited data back to the first device for data in the data store. Filteau discloses creating formatted reports [medical diagnostic report 800] containing extracts from the database [data storage device 105] (see [0039]) including the further limitations of a second data processing means for presenting and altering data from data objects in medically relevant reports using report masks (see [0037]-[0039]; Fig 1; and Fig 2), the second data processing means including a memory means for storing the report masks [the data storage device 105 may contain a plurality of records identifying one or more local reporting templates or profiles that may be selected by a reporting physician in order to tailor the format of the report] (see [0041], lines 4-8), second interfacing means for receiving the data objects [report input interface 15] (see [0037]) and the second data processing means uses report masks, the report masks being generated and locally altered [report editor 170] by a user of the second data processing means to present and alter objects in a report context [permit an operator of the medical report generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]) even without knowledge of the syntax of the data objects (see [0039], lines 12-14, [0050]; and [0055]), and transfer data belonging to the data objects from the second electronic data processing device to the first electronic data processing device and wherein data objects with user-edited data, transferred to the first electronic data processing device via the interconnected interfaces, are store in the data store [the configuration manager 175 allows a site administrator, a reporting physician, and/or another authorized

operator of the medical report generator 100 that desires to add a common diagnostic finding to easily accomplish the task; the report editor 170 may be configured to provide a text editor 178 operable with the user interface 110 to permit an operator of the medical report generator 100 to complete any necessary modifications; the preferred medical report generator 100 provides a text-editor to enable a reporting physician to add notes or other information to a report] (see [0039]; [0045]; [0050]; and [0092]). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present and update the data stored in the database disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact and to also allow technicians to efficiently provide a diagnosis for images of patients (Filteau: see [0002]).

Referring to claim 24, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the second electronic data processing means stores report masks, the report masks being at least one of generated and altered by the user [local reporting templates or profiles] (Filteau: see [0041]).

Referring to claim 25, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the second electronic data processing means uses report masks, the report masks being generated and altered by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 26, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein at least one of the interfacing means includes the data switching means [renderer 140], the data switching means having access to an association memory containing information about an association between data object types and report masks, for ascertaining the type of a data object transferred via the interface means, for comparing the ascertained type with the content of the association memory and for associating a report mask with the data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 28, Bocionek/Filteau discloses the data processing system as claimed in claim 23 wherein content of user-edited data is checked, and the checked data are stored by the first electronic data processing means only on the basis of the result of the check (Filteau: see [0039] and [0053]).

Referring to claim 29, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the first electronic data processing means is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents the data objects for later reconstruction (Bocionek: see [0021] and [0025]; Filteau: see [0048]).